

VZCZCXRO3014
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ZUI RUEHPOD0050 0610954
MESSAGE REJECTED - CONTAINS UNRECOGNIZED ORIGINATOR
-- ERRORED MESSAGE FOLLOWS --
PAAUZYUW RUEHPOD0050 0610954-UUUU--RHMCSUU.
ZNR UUUUU ZZH
P R 020954Z MAR 07
FM AMEMBASSY PODGORICA
TO RUEHC/SECSTATE WASHDC
INFO RUEHC/DEPT OF LABOR WASHINGTON DC
RUEATRS/DEPT OF TREASURY WASHINGTON DC
EUROPEAN POLITICAL COLLECTIVE
RUEHDG/AMEMBASSY SANTO DOMINGO
RUEHPOD/AMEMBASSY PODGORICA
RHMFIUU/DEPT OF JUSTICE WASHINGTON DC
RUEHC/USAID WASHDC
RUEFHLC/DEPT OF HOMELAND SECURITY WASHINGTON DC
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UNCLAS SECTION 01 OF 08 PODGORICA 000050

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STATE FOR G/TIP, G, INL, DRL, PRM, AND EUR/PGI.

E.O. 12958: N/A
TAGS: PHUM KCRM KWMN SMIG KFRD ASEC PREF ELAB MW
SUBJECT: MONTENEGRO: TRAFFICKING IN PERSONS REPORT

REF: STATE 202745

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SENSITIVE BUT UNCLASSIFIED - PLEASE HANDLE ACCORDINGLY

1.(U) POSTS SUBMISSION IN REPLY TO REF FOLLOWS. PLEASE NOTE THAT MONTENEGRO BECAME INDEPENDENT ON JUNE 3, 2006, DISSOLVING THE FORMER STATE UNION OF SERBIA AND MONTENEGRO. IN PAST YEARS, MONTENEGRO'S EXPERIENCE WITH TIP WAS REPORTED SEPARATELY FROM THAT OF SERBIA, BUT THE STATE UNION WAS RANKED AS A WHOLE ON THE AGGREGATE LEVEL OF ITS EFFORTS TO COMBAT TIP.

¶2. (SBU) OVERVIEW OF A COUNTRY'S ACTIVITIES TO ELIMINATE TRAFFICKING IN PERSONS:

-- A. THE FLOWS IN TRAFFICKED PERSONS AFFECTING MONTENEGRO HAVE NOT SIGNIFICANTLY CHANGED IN THE PAST YEAR. WITH MONTENEGRO'S INDEPENDENCE ON JUNE 3, HOWEVER, NEW CASES OF TRAFFICKING FROM SERBIA (INCLUDING FROM KOSOVO) ARE NOW CHARACTERIZED AS INTERNATIONAL VICE DOMESTIC. THE MOST SERIOUS FORMS OF TRAFFICKING WERE WOMEN AND CHILDREN TRAFFICKED INTERNATIONALLY, DESTINED FOR MONTENEGRO, AND WOMEN AND CHILDREN TRAFFICKED WITHIN MONTENEGRO'S BORDERS, IN BOTH CASES ALMOST ALWAYS FOR PURPOSES OF PROSTITUTION. THE LOCAL NGO MONTENEGRIN WOMENS LOBBY (MWL) ESTIMATES THAT APPROXIMATELY 60 TO 80 PROSTITUTES IN MONTENEGRO ARE VICTIMS OF TRAFFICKING; OF THAT NUMBER, ONE-QUARTER ARE MINORS (AND BY DEFINITION INVOLUNTARILY INVOLVED IN TRAFFICKING), AND THREE-FOURTHS ARE ADULTS FORCED INTO PROSTITUTION. THERE ARE ALSO TIP CASES INVOLVING LABOR, AND ILLEGAL ADOPTION OF INFANTS AND SMALL CHILDREN).

-- B. IN 2006, THE IOM AND MWL SHELTERS HOUSED A TOTAL OF 9 TIP VICTIMS. THE MWL SHELTERED SIX TIP VICTIMS: TWO FROM UKRAINE, TWO FROM DOMINICAN REPUBLIC, AND TWO FROM MONTENEGRO. ALL WERE FEMALE, AND ALL WERE ADULTS EXCEPT ONE VICTIM FROM MONTENEGRO (WHO WAS 17 WHEN ADMITTED). THE IOM SHELTER ADDITIONALLY HOUSED TWO ADULT FEMALES FROM SERBIA, AND ONE ADULT FEMALE FROM LITHUANIA (THE LATTER FIRST ENTERED SHELTER IN MONTENEGRO IN 2005). MWL TOLD POST THAT THEY WERE AWARE OF ADDITIONAL PRESUMED TIP VICTIMS, WITH THE LARGEST NUMBER FROM SERBIA (NOTE: BEFORE JUNE 3, THIS WOULD HAVE BEEN COUNTED AS DOMESTIC TRAFFICKING), WITH FURTHER VICTIMS FROM BOSNIA AND HERZEGOVINA (ENTITY OF REPUBLIKA SRPSKA), RUSSIA, AND UKRAINE, ALL LARGELY ASSOCIATED WITH BARS AND NIGHTCLUBS ON MONTENEGRO'S COAST, DURING THE SUMMER TOURIST SEASON. (THIS IS NOT CHILD SEX TOURISM.) THE MONTENEGRIN WOMENS LOBBY STATES THAT MOST CURRENT TIP VICTIMS COME FROM OUTSIDE MONTENEGRO. AS IN 2005, MOST TRAFFICKING THAT AFFECTS MONTENEGRO HAS MONTENEGRO AS THE DESTINATION, WITH FEW VICTIMS TRAVELING TO OTHER DESTINATIONS. THE NUMBER OF VICTIMS REFERRED TO SHELTERS DECLINED (28 SHELTERED IN 2005, 10 IN 2004); THE MWL FAULTED WHAT THEY TERMED A GOVERNMENT ATTITUDE THAT REDUCING THE NUMBER OF PERSONS REFERRED TO THE SHELTER WAS INDICATIVE OF A SMALLER TIP PROBLEM. THE GOM HAS INCREASED BUDGETARY RESOURCES COMMITTED TO ANTI-TIP ACTIVITIES IN 2006 AND 2007, AT A RATE IN EXCESS OF INFLATION AND IN EXCESS OF OVERALL GROWTH IN THE GOVERNMENT BUDGET. AGAIN IN 2006, AS IN 2005, NO NEW CASES OF TRAFFICKING FOR LABOR EXPLOITATION WERE DETECTED.

VICTIMS THAT ARE TRAFFICKED INTO PROSTITUTION ARE PHYSICALLY AND PSYCHOLOGICALLY COERCED, AND HELD AGAINST THEIR WILL IN SUBSTANDARD CONDITIONS, ISOLATED FROM OUTSIDE CONTACT. "TRUSTED" VICTIMS MAY BE ALLOWED MORE LEEWAY. TRAFFICKERS ARE OFTEN OWNERS OF "BARS" AND "NIGHTCLUBS", WITH TIES TO LOCAL ORGANIZED CRIME. CORRUPT POLICE OFFICERS REPORTEDLY PROVIDE SECURITY FOR SOME CLUB OWNERS.

VICTIMS REPORT HAVING PASSPORTS AND IDENTIFICATION DOCUMENTS TAKEN FROM THEM BY TRAFFICKERS, EITHER WHILE IN TRANSIT TO MONTENEGRO, OR AFTER THEIR ARRIVAL. THE UKRANIAN VICTIMS SHELTERED BY MWL SAID WERE OFFERED EUROS 500 EACH BY AN (UNSPECIFIED) MONTENEGRIN AGENCY TO WORK AS NIGHTCLUB DANCERS, AND AFTER A MONTH WERE COERCED BY WITHHELD PAY AND FOOD TO WORK AS PROSTITUTES. THE DOMINICAN VICTIMS SHELTERED BY MWL SAID THEY PLANNED TO TRAVEL TO SPAIN, WHERE ONE OF THEM HAD A SISTER, TO WORK AS HAIRDRESSERS. THEY WERE THEN TRANSPORTED TO MACEDONIA, WERE GIVEN FALSE PASSPORTS AFTER HAVING THEIR GENUINE DOCUMENTS TAKEN FROM THEM, AND ENTERED MONTENEGRO AFTER TRANSITING KOSOVO.

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REPORTEDLY, KOSOVARS "IN UNIFORM" FACILITATED THEIR TRANSIT OF KOSOVO.

-- C. THE GOM HAS CONTINUED TO INCREASE FUNDING AND ATTENTION TO THE PROBLEM OF TIP IN RECENT YEARS. ALL RELEVANT MINISTRIES, INCLUDING: INTERIOR (POLICE); HEALTH, LABOR AND SOCIAL WELFARE; EDUCATION; AND JUSTICE HAVE TEAMS LED BY DEPUTY MINISTERS TO ADDRESS ISSUES RAISED BY TIP, INCLUDING ASSISTANCE TO VICTIMS. HOWEVER, CORRUPT POLICE OFFICIALS ALLOW SOME TRAFFICKERS TO ESCAPE OFFICIAL ATTENTION. ON MARCH 1, 2007, AS PART OF AN OVERALL PLAN TO REORGANIZE AND REDUCE THE SIZE OF THE POLICE, THE POLICE SPECIAL ANTI-TRAFFICKING TEAM WAS ELIMINATED, AND ITS SEVEN OFFICERS ASSIGNED TO OTHER DUTIES. THE POLICE HAVE ANNOUNCED THAT THEY WILL NAME A SENIOR CRIMINAL POLICE OFFICER TO ASSUME RESPONSIBILITY FOR COORDINATING ANTI-TIP ACTIVITIES.

-- D. THE OFFICE OF THE NATIONAL COORDINATOR FOR COMBATING TRAFFICKING IN HUMAN BEINGS REQUIRES MONTHLY REPORTS FROM ALL RELEVANT STATE AGENCIES, INCLUDING THE POLICE AND PROSECUTOR'S OFFICE, AND NGOS REGARDING POTENTIAL TIP VICTIMS. REGULAR BIMONTHLY MEETINGS PROVIDE A REMINDER FOR OTHER AGENCIES TO PROVIDE INFORMATION ON OTHER ACTIVITIES, SUCH AS EDUCATIONAL CAMPAIGNS IN THE PUBLIC SCHOOLS. THE OFFICE OF THE NATIONAL COORDINATOR AND THE SPECIAL POLICE TEAM FOR TIP BOTH PROVIDED REGULAR WRITTEN REPORTS DIRECTLY TO INTERESTED INTERNATIONAL ORGANIZATIONS INCLUDING EMBASSIES (MONTHLY REPORTS AND ANNUAL SUMMARIES). THE GOM ALSO MAINTAINS A PUBLICLY ACCESSIBLE WEBSITE AT WWW.ANTITRAFFICKING.VLADA.CG.YU. THE GOM PARTICIPATES ACTIVELY IN REGIONAL ANTI-TRAFFICKING INITIATIVES, PROVIDING UPDATES ON ITS ACTIVITIES. A "SOS HOTLINE" FOR VICTIMS OF TRAFFICKING, AND OF DOMESTIC VIOLENCE, IS STAFFED BY THE NGO MONTENEGRIN WOMENS' LOBBY.

13. PREVENTION:

-- A. THE GOM PUBLICLY ACKNOWLEDGES THAT TIP IS A PROBLEM IN MONTENEGRO. IT SUPPORTS ANTI-TIP EDUCATIONAL PROGRAMS IN THE PUBLIC SCHOOLS, FUNDS ANTI-TIP EFFORTS AS NOTED, AND MAINTAINS AN INFORMATIVE WEBSITE. THE POLICE AND JUDICIAL TRAINING FACILITIES INCORPORATE ANTI-TIP INTO THE CURRICULUM AT ALL LEVELS, AND INCLUDE REPRESENTATIVES FROM THE INTERNATIONAL CENTER FOR MIGRATION POLICY DEVELOPMENT (ICMPD) IN ITS CLASSROOM PRESENTATIONS.

-- B. THE OFFICE OF THE NATIONAL COORDINATOR FOR COMBATING TRAFFICKING IN HUMAN BEINGS LEADS THE GOM ANTI-TIP FIGHT. THE OFFICE IS AN INDEPENDENT AGENCY, UNDER THE DIRECTION OF THE PRIME MINISTER, AND THE DIRECTOR CAN AND DOES INVOKE THE PM'S AUTHORITY TO INDUCE COOPERATION. THE MINISTRY OF INTERIOR (POLICE), GOVERNMENT OFFICE FOR GENDER EQUALITY, MINISTRY OF HEALTH, LABOR AND SOCIAL WELFARE, MINISTRY OF JUSTICE, MINISTRY OF EDUCATION AND SCIENCE, OFFICE OF THE STATE PROSECUTOR ARE ALL DIRECTLY INVOLVED IN THE ANTI-TIP EFFORT.

-- C. THE GOM HAS CONTINUED TO CONDUCT EDUCATION CAMPAIGNS IN THE PUBLIC SCHOOLS, INTRODUCING THE PHENOMENON OF TRAFFICKING AND HOW TO RECOGNIZE POTENTIAL RISK. THE COURSE IS BASED ON WORKSHOPS THAT SAVE THE CHILDREN (UK) ORGANIZED IN 2005.

-- D. THE GOVERNMENT OFFICE FOR GENDER EQUALITY PROMOTES WOMEN'S RIGHTS. THE MINISTRY OF HEALTH, LABOR AND SOCIAL WELFARE PROMOTES SAFE AND LEGAL WORKING ENVIRONMENTS AND CONDITIONS OF WORK.

-- E. THE GOVERNMENT AND NGOS WORK CLOSELY TOGETHER IN FIGHTING TRAFFICKING. IN MARCH 2005, STATE BODIES AND NGOS SIGNED A MEMORANDUM OF COOPERATION, TO REINFORCE COOPERATION IN THE AREAS OF PROTECTION AND ASSISTANCE TO VICTIMS OF TRAFFICKING.

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SIGNATORIES WERE THE MINISTRY OF INTERIOR (POLICE), MINISTRY OF LABOR AND SOCIAL WELFARE, MINISTRY OF HEALTH, AND MONTENEGRIN WOMENS LOBBY (NGO) AND WOMENS SAFE HOUSE (NGO). THE MOU REMAINS IN FORCE.

-- F. THE BORDER POLICE SCREENS FOR POTENTIAL TRAFFICKING VICTIMS. IT INFORMALLY MONITORS IMMIGRATION PATTERNS FOR EVIDENCE OF TRAFFICKING AND SMUGGLING OF HUMANS. NOTE: THE 2005 INTERCEPTION OF THE BANGLADESHIS ENTERING MONTENEGRO WAS BASED IN PART ON MONITORING OF IMMIGRATION PATTERNS; THE TRAFFICKERS IN THIS CASE WERE CONVICTED IN 2006 (SEE PARA 4.F.).

-- G. THE OFFICE OF THE NATIONAL COORDINATOR FOR COMBATING TRAFFICKING IN HUMAN BEINGS LEADS THE GOM ANTI- TIP FIGHT. THE MINISTRY OF INTERIOR (POLICE), GOVERNMENT OFFICE FOR GENDER EQUALITY, MINISTRY OF HEALTH, MINISTRY OF LABOR AND SOCIAL WELFARE, MINISTRY OF JUSTICE, MINISTRY OF EDUCATION AND SCIENCE, OFFICE OF THE STATE PROSECUTOR ARE ALL DIRECTLY INVOLVED IN THE ANTI-TIP EFFORT. THE NATIONAL COORDINATOR'S OFFICE COORDINATES INTERACTION WITH INTERNATIONAL AND MULTILATERAL ORGANIZATIONS, PARTICULARLY IN RESPECT OF POLICY. THE POLICE AND PROSECUTOR'S OFFICE MAINTAIN DIRECT AND INDIRECT (THROUGH IOM) COMMUNICATION WITH FOREIGN STATES AS NEEDED TO RESOLVE THE STATUS OF VICTIMS AND PROSECUTE TRAFFICKERS. THE GOVERNMENT HAS BOTH THE WORKING GROUP AS NOTED AND, IN THE PERSON OF THE NATIONAL COORDINATOR, A SINGLE POINT OF CONTACT FOR TRAFFICKING. THE GOM ESTABLISHED ITS OFFICE FOR ANTI-CORRUPTION INITIATIVE IN 2003. IN JULY 2006, THE GOM ESTABLISHED A COMMISSION TO DRAFT AN ACTION PLAN FOR THE FIGHT AGAINST CORRUPTION AND ORGANIZED CRIME; BESIDES GOVERNMENT OFFICIALS, THE COMMISSION MEMBERSHIP INCLUDES WATCHDOG NGOS, JUDGES, AND OPPOSITION MPS.

-- H. THE GOM ADOPTED A NATIONAL STRATEGY FOR (THE) FIGHT AGAINST TRAFFICKING IN HUMAN BEINGS IN DECEMBER 2003, CONSULTING THE MINISTRY OF INTERIOR (POLICE), GOVERNMENT OFFICE FOR GENDER EQUALITY, MINISTRY OF HEALTH, MINISTRY OF LABOR AND SOCIAL WELFARE, MINISTRY OF JUSTICE, MINISTRY OF EDUCATION AND SCIENCE, OFFICE OF THE STATE PROSECUTOR, OSCE, IOM, COUNCIL OF EUROPE, AND USG. NGOS, INCLUDING MONTENEGRIN WOMEN'S LOBBY, WOMEN'S SAFE HOUSE, AND THE SOS HOTLINE WERE CONSULTED. IN 2005, THE NATIONAL STRATEGY WAS REVISED AND UPDATED, IN COORDINATION WITH THE ICMPD. ALSO IN 2006, GOVERNMENT MINISTRIES AND AGENCIES NOTED ABOVE UPDATED PREVIOUSLY ADOPTED SPECIALIZED ACTION PLANS PURSUANT TO THE NATIONAL PLAN. THE NATIONAL COORDINATOR HARMONIZES THE VARIOUS ACTION PLANS. THE NATIONAL STRATEGY IS AVAILABLE ON THE GOVERNMENT'S WEBSITE.

4. (SBU) INVESTIGATION AND PROSECUTION OF TRAFFICKERS:

-- A. MONTENEGRIN LAW PROHIBITS TRAFFICKING IN PERSONS FOR BOTH SEXUAL AND NON-SEXUAL EXPLOITATION, AND COVERS BOTH INTERNAL AND EXTERNAL FORMS OF TRAFFICKING. THE LAW IS USED OFTEN IN COMBINATION WITH OTHER LAWS (E.G., FACILITATION OF PROSTITUTION OR ILLEGAL IMMIGRATION) TO INCREASE THE POSSIBILITY OF CONVICTIONS. THE LAWS, TAKEN TOGETHER, COVER THE FULL SCOPE OF TRAFFICKING.

(SEE MONTENEGRO'S LAW ON TIP IN PARAGRAPH 6.)

-- B. THE PENALTIES ARE THE SAME FOR SEXUAL AND NON-SEXUAL EXPLOITATION. UNDER THE CURRENT CRIMINAL CODE, THE PENALTY FOR TRAFFICKING IS 1 TO 8 YEARS IN PRISON. UNDER APRIL 2004 NEW CRIMINAL CODE, THE PENALTIES ARE: FOR A SIMPLE OFFENSE, 1-10 YEARS; IF A MINOR IS INVOLVED, 3-15 YEARS; IF SERIOUS INJURY OCCURS, 1-12 YEARS; IF DEATH OCCURS, 10-30 YEARS.

-- C. THE PENALTIES FOR TRAFFICKING IN PERSONS FOR THE PURPOSE OF LABOR EXPLOITATION ARE EQUAL TO THOSE FOR TIP FOR PURPOSES OF PROSTITUTION (OR ANY OTHER PURPOSE), I.E., FOR A SIMPLE OFFENSE,

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1-10 YEARS; IF A MINOR IS INVOLVED, 3-15 YEARS; IF SERIOUS INJURY OCCURS, 1-12 YEARS; IF DEATH OCCURS, 10-30 YEARS. WITHHOLDING OF IDENTIFICATION PAPERS OR SALARY PAYMENT IS SPECIFICALLY CITED AS A VIOLATION IN THE PENAL CODE ARTICLE CRIMINALIZING TRAFFICKING IN PERSONS.

IN THE ONE CASE OF LABOR TRAFFICKING PROSECUTED TO DATE (IN 2005), CONVICTIONS WERE SECURED OF ALL ACCUSED PERSONS, AND JAIL SENTENCES IMPOSED WERE EQUIVALENT TO THOSE IMPOSED IN OTHER TIP CASES, AVERAGING THREE YEARS PER PERSON.

-- D. THE PENALTY FOR RAPE IS EQUAL TO THAT FOR TRAFFICKING IN PERSONS.

-- E. PROSTITUTION IS CRIMINALIZED, INCLUDING THE ACTIVITIES OF PROSTITUTES, BROTHEL OWNERS/OPERATORS, CLIENTS, PIMPS, AND ENFORCERS (ARTICLES 209 AND 210). THE LAWS ARE GENERALLY ENFORCED.

-- F. ON APRIL 20, THE COURT SENTENCED THREE MONTENEGRIN CITIZENS AFTER FINDING THEM GUILTY OF HUMAN TRAFFICKING, FOR TRANSPORTING FOUR BANGLADESHI NATIONALS AND 15 UNKNOWN FOREIGN NATIONALS IN 2005 FROM KOSOVO THROUGH MONTENEGRO TO BOSNIA AND HERZEGOVINA. THE VICTIMS WERE DESTINED FOR WESTERN EUROPE. RAJKO S. DJUKOVIC WAS SENTENCED TO THREE YEARS IN PRISON, BRANISLAV M. BRASNO TO TWO YEARS AND EIGHT MONTHS AND ELVIR S. KALAC TO TWO YEARS AND SIX MONTHS. ON DECEMBER 25 (NOTE: MONTENEGRO IS PREDOMINANTLY ORTHODOX CHRISTIAN), THE COURT SENTENCED FOUR MONTENEGRIN CITIZENS AND ONE FROM KOSOVO, OF ROMA ETHNICITY, TO THREE YEARS IN PRISON EACH AFTER FINDING THEM GUILTY OF HUMAN TRAFFICKING, FOR ATTEMPTING TO TRADE THEIR INFANT RELATIVE FOR A USED AUTOMOBILE. CONVICTED WERE ADNAN SALIHI, CAZIM ADZOVIC, NAILJA SALIHI, LJUBICA ADZOVIC, AND VJERA ADZOVIC. THE INVESTIGATION BEGAN IN 2006.

THE GOM, WITH COOPERATION FROM THE VICTIMS, OPENED INVESTIGATIONS IN SIX NEW CASES IN 2006. PROSECUTION FORMALLY COMMENCED IN TWO CASES IN 2006, ONE INVOLVING THE ROMA AS NOTED, AND A SECOND CASE AGAINST A MONTENEGRIN CITIZEN FOR ALLEGEDLY TRAFFICKING A MONTENEGRIN FEMALE.

THE GOM, IN 2005, SUCCESSFULLY PROSECUTED LABOR RECRUITERS WHO HAD CONFISCATED WORKERS' PASSPORTS AND WITHHELD PAYMENT OF SALARIES.

ALL THOSE CONVICTED ARE SERVING THEIR JAIL SENTENCES.

-- G. MOST TRAFFICKING IS CONDUCTED BY SMALL CRIME GROUPS, USUALLY WITH LINKS TO LOCAL ORGANIZED CRIME (ITSELF COMPOSED OF SMALL GROUPS), WHO RUN BROTHELS AS PART OF OR DISGUISED AS "NIGHT CLUBS" AND "BARS." TRAFFICKING THAT TRANSITS MONTENEGRO CONTINUES TO DECLINE; GENERALLY, SUCH TRANSITS ARE CONDUCTED BY LARGER ORGANIZED CRIME GROUPS WITH STRONGER INTERNATIONAL TIES, AND CONNECTIONS TO "FALSE-FRONT" EMPLOYMENT AGENCIES IN ORIGIN COUNTRIES THAT ADVERTISE JOBS IN CONSTRUCTION OR THE HOSPITALITY INDUSTRY. IOM REPORTS THAT "NIGHT CLUBS" EMPLOY CORRUPT POLICE TO PROVIDE SECURITY. THERE HAVE BEEN REPORTS THAT SOME BORDER OFFICIALS (POLICE AND CUSTOMS) COOPERATE WITH TRAFFICKERS TO FACILITATE CROSSING OF BORDERS BY TRAFFICKERS AND THEIR VICTIMS,

BUT SUCH REPORTS ARE DECLINING (EVEN AS ARRESTS OF BORDER OFFICIALS FOR FACILITATING OTHER TYPES OF CROSS-BORDER CRIME (DRUGS, SMUGGLING) CONTINUE AND EVEN INCREASE). THERE IS NO RELIABLE INFORMATION ON WHERE PROFITS FROM TRAFFICKING ARE CHANNELED.

-- H. THE GOVERNMENT ACTIVELY INVESTIGATES CASES OF TRAFFICKING, AS WELL AS OF MIGRANT SMUGGLING AND PROSTITUTION. THE CRIMINAL PROCEDURE CODE ALLOWS THE USE OF SUCH TECHNIQUES AS ELECTRONIC SURVEILLANCE, UNDERCOVER OPERATIONS AND MITIGATED PUNISHMENT. THE GOVERNMENT USES SUCH TECHNIQUES WHEN APPROPRIATE.

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-- I. THE GOVERNMENT PROVIDES EXTENSIVE TRAINING TO POLICE, PROSECUTORS, JUDGES, AND OTHER OFFICIALS IN HOW TO RECOGNIZE, INVESTIGATE, AND PROSECUTE TRAFFICKING. IN COOPERATION WITH THE ITALIAN GOVERNMENT, THE GOM DRAFTED A MANUAL FOR THE TRAINING OF JUDGES AND PROSECUTORS. THE POLICE PROVIDED TRAINING TO RANKS AT ALL LEVELS, FROM ENTERING RECRUITS TO CHIEFS OF STATIONS, THROUGHOUT THE YEAR. THE MINISTRY OF HEALTH, LABOR AND SOCIAL WELFARE IS REQUIRED TO ESTABLISH, TRAIN, AND SUPPORT A SOCIAL TEAM TO PROVIDE RAPID RESPONSE AND ASSISTANCE TO POSSIBLE VICTIMS OF TRAFFICKING, AND IS REQUIRED TO SUPPORT AND TRAIN A SIMILAR MEDICAL EMERGENCY TEAM. THE POLICE SPECIAL TEAM IS FULLY TRAINED, AND BOTH RECEIVES REFRESHER TRAINING AND HELPS TRAIN OTHER POLICE OFFICIALS AND OFFICIALS FROM OTHER MINISTRIES.

-- J. THE GOVERNMENT COOPERATES WITH OTHER GOVERNMENTS IN INVESTIGATION AND PROSECUTION OF TRAFFICKING CASES. THERE IS ALSO COOPERATION WITH NEIGHBORING AREAS, INCLUDING SERBIA, ALBANIA, KOSOVO, AND BOSNIA AND HERZEGOVINA.

-- K. THE GOVERNMENT HAS NOT BEEN REQUESTED TO EXTRADITE PERSONS CHARGED WITH TRAFFICKING IN OTHER COUNTRIES, TO DATE. THE GOM HAS EXTRADITED PERSONS CHARGED WITH SIMILAR OFFENSES (I.E., DRUG TRAFFICKING). THE GOM IS PROHIBITED BY THE CONSTITUTION FROM EXTRADITING ITS OWN NATIONALS (EXCEPT TO THE UN WAR CRIMES TRIBUNAL IN THE HAGUE), AND HAS NO PLAN TO MODIFY THAT PROHIBITION.

-- L. THERE IS NO EVIDENCE OF GOVERNMENTAL INVOLVEMENT IN OR TOLERANCE OF TRAFFICKING, AT EITHER INSTITUTIONAL OR NATIONAL LEVELS. AS NOTED, A FEW CORRUPT POLICE OFFICERS IN SOME LOCALITIES ARE DE FACTO INVOLVED BY PROVIDING SECURITY TO BROTHELS.

-- M. THE MINISTRY OF INTERIOR HAS STEPPED UP EFFORTS TO INVESTIGATE, DISMISS AND PROSECUTE POLICE OFFICERS WHO ABUSE THEIR POSITIONS. SUCH ABUSE IS A FELONY UNDER THE PRESENT CRIMINAL CODE. THERE HAVE BEEN NO CONVICTIONS OF GOVERNMENT OFFICIALS FOR INVOLVEMENT IN TRAFFICKING, AND NO PROSECUTIONS SINCE THE INFAMOUS AND MISHANDLED "S.C." CASE IN 2002 (05 BELGRADE 454).

-- N. CHILD SEX TOURISM IS NOT A PROBLEM IN MONTENEGRO (A SIGNIFICANT PORTION OF MONTENEGRO'S GDP IS DERIVED FROM TOURISM). THE CRIMINAL CODE SPECIFIES THAT CITIZENS OR

FOREIGNERS WHO VIOLATE THE CRIMINAL LEGISLATION OF MONTENEGRO WHILE OUTSIDE OF MONTENEGRO CAN SUBSEQUENTLY BE TRIED IN MONTENEGRO, IF THEY ARE APPREHENDED IN, OR EXTRADITED TO, MONTENEGRO. ARTICLE 206 PROHIBITS SEXUAL INTERCOURSE WITH CHILDREN UNDER AGE 14 YEARS.

-- O. THE FORMER GOVERNMENT OF THE STATE UNION OF SERBIA AND MONTENEGRO RATIFIED ALL FIVE SPECIFIED CONVENTIONS:

--ILO CONVENTION 182 CONCERNING THE PROHIBITION AND IMMEDIATE ACTION FOR THE ELIMINATION OF THE WORST FORMS OF CHILD LABOR.

--ILO CONVENTION 29 AND 105 ON FORCED OR COMPULSORY LABOR. --THE OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD (CRC) ON THE SALE OF CHILDREN, CHILD PROSTITUTION, AND CHILD PORNOGRAPHY.

--THE PROTOCOL TO PREVENT, SUPPRESS AND PUNISH TRAFFICKING IN PERSONS, ESPECIALLY WOMEN AND CHILDREN, SUPPLEMENTING THE UN CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME.

THE GOM HAS STATED THAT IT WILL CONTINUE TO ADHERE TO THE
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CONVENTIONS, BOTH AS TO LAW AND PRACTICE.

5. (SBU) PROTECTION AND ASSISTANCE TO VICTIMS:

-- A. IN DECEMBER 2005, THE GOM ADOPTED AND ISSUED A NEW "INSTRUCTION ON TERMS AND WAYS OF REGULATING RESIDENCE FOR FOREIGN CITIZENS - VICTIMS OF HUMAN TRAFFICKING." TEMPORARY RESIDENCE FOR FOREIGN VICTIMS OF TRAFFICKING, AS NECESSARY FOR THEIR RECOVERY, MAY BE GRANTED FROM UP TO A YEAR AT A TIME. THE NEW INSTRUCTION WAS DRAFTED IN COOPERATION WITH IOM. ALL VICTIMS ARE AFFORDED SHELTER AND ACCESS TO MEDICAL AND PSYCHOLOGICAL SERVICES. HOWEVER, MWL REPORTS THAT THE PROVISION OF PSYCHOLOGICAL SERVICES TO VICTIMS WAS OFTEN INADEQUATE IN 2006. TWO SHELTERS FOR TRAFFICKING VICTIMS EXISTS IN MONTENEGRO, THE FIRST IS RUN BY THE NGO MONTENEGRIN WOMEN'S LOBBY AND IS FULLY FUNDED BY THE GOM. THE SECOND IS RUN BY IOM. THE MWL SHELTER HOSTED 6 PERSONS DURING 2006, ALL FEMALE, RANGING IN AGE FROM 17 TO 37 YEARS OLD, AVERAGING 26 YEARS OLD. AS OF FEBRUARY 28, 2007, TWO VICTIMS WERE IN THE SHELTER. THE IOM SHELTER HOSTED THREE PERSONS IN 2006, ALL FEMALE.

-- B. THE GOM FULLY FUNDS, AND PROVIDES SECURITY FOR, THE SHELTER RUN BY THE MONTENEGRIN WOMEN'S LOBBY. THE GOM ALSO COVERS THE COST OF HOSPITALIZATION AND MEDICAL CARE, INCLUDING PSYCHOLOGICAL SERVICES, FOR ALL VICTIMS.

-- C. THE MARCH 2005 MEMORANDUM OF COOPERATION BETWEEN RELEVANT STATE BODIES AND NGOS SPECIFIES PROCEDURES TO ENSURE COOPERATION IN THE AREAS OF PROTECTION AND ASSISTANCE TO VICTIMS OF TRAFFICKING. THE PROCEDURES INCLUDE REFERRAL AS APPROPRIATE TO TRANSFER VICTIMS TO THE NGO-RUN SHELTERS. OF THE 9 PERSONS SHELTERED BY THE MONTENEGRIN WOMEN'S LOBBY AND IOM IN 2006, ALL WERE REFERRED BY POLICE UNDER THE MEMORANDUM. CURRENT SIGNATORIES ARE THE MINISTRY OF INTERIOR (POLICE), MINISTRY OF

HEALTH, LABOR AND SOCIAL WELFARE, AND MONTENEGRIN WOMEN'S LOBBY (NGO) AND WOMEN'S SAFE HOUSE (NGO). THE MONTENEGRIN WOMEN'S LOBBY DESCRIBED COOPERATION WITH THE POLICE AND HEALTH SERVICES AS GOOD, BUT SAID POLICE DID NOT COMPLY WITH PROVISIONS THAT POSTPONE INTERVIEWS WITH THE VICTIMS FOR UP TO 90 DAYS, AND THAT VICTIMS WERE DISCHARGED FROM PSYCHOLOGICAL TREATMENT PREMATURELY.

-- D. IN GENERAL, THE RIGHTS OF VICTIMS ARE RESPECTED, AND THAT IS A STATED GOAL OF MARCH 2005 MEMORANDUM OF COOPERATION. AS NOTED, MWL SAID THAT POLICE OFTEN CONDUCTED LENGTHY INTERROGATIONS OF VICTIMS UPON INITIAL CONTACT WITH THEM, CONTRARY TO THE MEMORANDUM. THERE WERE NO REPORTS OF VICTIMS BEING DETAINED, PROSECUTED, OR FINED.

-- E. THE GOVERNMENT STRONGLY ENCOURAGES VICTIMS TO ASSIST IN THE INVESTIGATION AND PROSECUTION OF TRAFFICKING. UNFORTUNATELY, IN A FEW CASES, MWL REPORTS THAT THIS AMOUNTS TO PRESSURE ON THE VICTIMS. IT IS POSSIBLE FOR VICTIMS TO FILE CIVIL SUITS AGAINST TRAFFICKERS, BUT THERE IS NO PRACTICE OF SUCH SUITS. VICTIMS ARE ALLOWED TO SEEK OTHER EMPLOYMENT OR LEAVE THE COUNTRY. THERE IS NO VICTIM RESTITUTION PROGRAM (FOR ANY VICTIM OF ANY CRIME).

-- F. THE GOVERNMENT PROVIDES EXTENSIVE PROTECTION, SHELTER AND CARE FOR VICTIMS. TWO SHELTERS FOR TRAFFICKING EXISTS, ONE RUN BY A REPUTABLE NGO, THE MONTENEGRIN WOMENS' LOBBY, THE SECOND BY THE INTERNATIONAL ORGANIZATION FOR MIGRATION (IOM). THE GOVERNMENT PAYS ALL RUNNING COSTS AND PROVIDES POLICE SECURITY FOR THE SHELTER RUN BY THE MONTENEGRIN WOMENS LOBBY. CARE INCLUDES MEDICAL, PSYCHOLOGICAL, AND VOCATIONAL ASSISTANCE. MINOR AND CHILD VICTIMS ARE USUALLY PLACED IN THE SHELTERS. MONTENEGRO EXTENDS LEGAL AND SOME PHYSICAL PROTECTION TO WITNESSES, AS NEEDED.

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-- G. THE GOVERNMENT IN 2005 ESTABLISHED A SUBGROUP FOR FIGHTING TRAFFICKING IN CHILDREN, INCLUDING OFFICE OF THE NATIONAL COORDINATOR, MINISTRY OF LABOR AND SOCIAL WELFARE, UNICEF, SAVE THE CHILDREN FUND UK, AND ROMA NGO WOMEN'S HEART. THE SUBGROUP HAS ESTABLISHED A TASK FORCE FOR FIGHTING TRAFFICKING IN CHILDREN, IN LINE WITH UNICEF'S GUIDELINES AND THE GOVERNMENT'S 2005 ACTION PLAN. MONTENEGRO BECAME INDEPENDENT ON JUNE 3, 2006, AND ITS EMBASSIES AND CONSULATES ARE ONLY NOW BEING ESTABLISHED.

-- H. AS NEEDED, REPATRIATED VICTIMS CAN STAY IN THE GOVERNMENT-SUPPORTED SHELTER AND RECEIVE THE SERVICES THAT OTHER VICTIMS THERE RECEIVE (MEDICAL, VOCATIONAL TRAINING, ETC.). HOWEVER, IN PRACTICE MOST MONTENEGRIN VICTIMS RETURN DIRECTLY TO THEIR HOMES.

-- I. A WIDE RANGE OF INTERNATIONAL ORGANIZATIONS AND LOCAL NGOS WORK WITH TRAFFICKING VICTIMS. INTERNATIONAL ORGANIZATIONS INCLUDE IOM, UNICEF, AND SAVE THE CHILDREN. LOCAL NGOS INCLUDE WOMEN'S HEART (ROMA), MONTENEGRIN WOMEN'S LOBBY, WOMEN'S SAFE HOUSE, SOS HOTLINE, ANIMA - ZINEC, CENTER FOR GIRLS KSENIJA, AND HOME OF HOPE. IOM ASSISTS IN THE OPERATION OF THE SHELTER RUN BY THE MONTENEGRIN WOMEN'S LOBBY, IN REPATRIATING VICTIMS, AND TRAINING GOVERNMENT OFFICIALS. UNICEF AND SAVE THE CHILDREN

PRIMARILY WORK WITH MINOR VICTIMS, INCLUDING PREVENTION. THE NGOS OFFER SHELTER, COUNSELING, MEDICAL CARE (INCLUDING PSYCHOLOGICAL CARE), VOCATIONAL ASSISTANCE, LEGAL ASSISTANCE, AND RELATED SERVICES. COOPERATION BETWEEN THE IOS AND THE GOVERNMENT, AND THE NGOS AND THE GOVERNMENT, IS GENERALLY VERY GOOD, ALTHOUGH THE IOS AND NGOS DO REPORT SOME DISAGREEMENTS, RELATING TO FUNDING, AND PROCEDURES WITH RESPECT TO INTAKE OF VICTIMS.

¶6. (U) FOLLOWING ARE ARTICLES FROM MONTENEGRO LAW ON TRAFFICKING IN PERSONS.

MONTENEGRO CRIMINAL LAW ON TIP
(INFORMAL TRANSLATION)

TRAFFICKING IN HUMAN BEINGS

ARTICLE 444

(1) ANYONE WHO BY FORCE OR THREAT, DECEIT OR KEEPING IN DELUSION, BY ABUSE OF AUTHORITY, TRUST, RELATIONSHIP OF DEPENDENCY, DIFFICULT POSITION OF ANOTHER PERSON OR BY KEEPING BACK IDENTIFICATION PAPERS OR BY GIVING OR RECEIVING MONEY OR OTHER BENEFIT FOR THE PURPOSE OF OBTAINING CONSENT OF A PERSON HAVING CONTROL OVER ANOTHER: RECRUITS, TRANSPORTS, TRANSFERS, HANDS OVER, SELLS, BUYS, MEDIATES IN SALE, HIDES OR KEEPS ANOTHER PERSON FOR EXPLOITATION OF WORK, SUBMISSION TO SERVITUDE, COMMISSION OF CRIMES, PROSTITUTION OR BEGGING, PORNOGRAPHIC USE, TAKING AWAY A BODY PART FOR TRANSPLANTATION OR FOR USE IN ARMED CONFLICTS SHALL BE PUNISHED BY IMPRISONMENT FOR A TERM OF ONE TO TEN YEARS.

(2) IF THE OFFENCE REFERRED TO IN PARAGRAPH 1 OF THIS ARTICLE IS COMMITTED TO A JUVENILE PERSON, THE OFFENDER SHALL BE LIABLE TO IMPRISONMENT PRESCRIBED FOR THAT OFFENCE, EVEN IF THERE WAS NO FORCE, THREAT OR ANY OTHER OF THE STATED METHODS PRESENT IN THE COMMISSION OF THE CRIME.

(3) IF THE OFFENCE REFERRED TO IN PARAGRAPH 1 OF THIS ARTICLE IS COMMITTED TO A JUVENILE, THE OFFENDER SHALL BE LIABLE TO IMPRISONMENT FOR A MINIMUM TERM OF THREE YEARS.

(4) IF OFFENCES REFERRED TO IN PARAGRAPHS 1 AND 3 OF THIS ARTICLE HAVE CAUSED SERIOUS BODILY INJURIES, THE OFFENDER SHALL BE LIABLE TO IMPRISONMENT FOR A TERM OF ONE YEAR TO TWELVE YEARS.

(5) IF OFFENCES REFERRED TO IN PARAGRAPHS 1 AND 3 OF THIS ARTICLE HAVE CAUSED DEATH OF ONE PERSON OR MORE, THE OFFENDER SHALL BE LIABLE TO IMPRISONMENT FOR A MINIMUM TERM OF TEN YEARS.

(6) ANYONE WHO INTERFERES OR DEALS WITH COMMITTING OFFENCES REFERRED TO IN PARAGRAPHS 1 TO 3 OF THIS ARTICLE OR PARTICIPATES IN THEIR ORGANIZED COMMISSION TOGETHER WITH SEVERAL OTHER PERSONS SHALL BE LIABLE TO IMPRISONMENT FOR A MINIMUM TERM OF FIVE YEARS.

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ADDITIONAL LAWS CRIMINALIZE TRAFFICKING IN CHILDREN FOR ADOPTION (ARTICLE 445) AND SLAVERY (ARTICLE 446).

¶7. (U) POST TIP COORDINATOR IS ALAN CARLSON, 381-81-225-417 (O), 381-81-241-258 (FAX). CARLSON (FS-2) SPENT 12 HOURS ON THIS REPORT.

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-- END OF ERRORED MESSAGE --